

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARRYL BOYD,

Plaintiff,

v.

THE CITY OF BUFFALO, *et al.*,

Defendants.

22-CV-519 (LJV) (JJM)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN WALKER, JR.,

Plaintiff,

v.

THE CITY OF BUFFALO, *et al.*,

Defendants.

22-CV-520 (LJV) (JJM)

NOTICE OF MOTION FOR AN UNSEALING ORDER

Nature of Actions:

Civil actions.

Moving Parties:

Plaintiffs Darryl Boyd and John Walker, Jr.

Date and Time:

On a date and time to be determined by the Court.

Plaintiffs respectfully request the earliest possible response/reply/argument dates, so that the motion can, subject to the Court's deliberation, be decided in advance of the January 16, 2024 fact-discovery cut-off. Plaintiffs respectfully suggest that responses be ordered to be submitted by December 21, 2023, and that Plaintiffs' reply be ordered to be submitted by December 26, 2023.

Place:

Before the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, Western District of New York, at the Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202.

Supporting Papers: Declaration of Timothy W. Hoover, executed December 11, 2023, with Exhibits 1-9; and Plaintiffs' Memorandum of Law, dated December 11, 2023.

Answering Papers: Due by December 26, 2023, unless the Court provides an earlier due date. *See* W.D.N.Y. LOCAL R. CIV. P. 7(b)(2)(B).

Reply Papers: Plaintiffs intend to file reply papers. They are due by January 2, 2024, unless the answering papers are filed earlier than December 26, 2023, or the Court provides an earlier due date. *See* W.D.N.Y. LOCAL R. CIV. P. 7(b)(2)(B).

Relief Requested: An order (i) unsealing records in *People v. Tommy Rollins*, Ind. No. 82-1064 (Sup. Ct. Erie Cty.) on a partial, limited, non-public basis only for use by the parties in Plaintiffs' federal section 1983 lawsuits pursuant to the existing protective order, (ii) directing the Erie County Clerk's Office to provide a complete copy of the file in the *Rollins* case to counsel for Plaintiffs, and (iii) granting any alternative or additional relief the Court deems just and proper.

Grounds for Relief: The authorities set forth in the accompanying Memorandum of Law.

Oral Argument: Requested.

Dated: Buffalo, New York
December 11, 2023

LAW OFFICES OF JOEL B. RUDIN, P.C.

Joel B. Rudin
David E. Rudin
Carnegie Hall Tower
152 West 57th Street, 8th Floor
New York, New York 10019
(212) 752-7600
jbrudin@rudinlaw.com

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Ross E. Firsenbaum
Ryanne E. Perio
Gideon A. Hanft
Phoebe Silos
Erin Hughes
7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
ross.firsenbaum@wilmerhale.com

HOOVER & DURLAND LLP

By: s/Timothy W. Hoover
Timothy W. Hoover
Spencer L. Durland
561 Franklin Street
Buffalo, New York 14202
(716) 800-2600
thoover@hooverdurland.com

Attorneys for Plaintiffs Darryl Boyd and John Walker, Jr.